THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ARTHUR G. ZUEHLKE
and DAVID J. PECH

Appeal No. 1999-1772
Application 08/748,986[1]

ON BRIEF

Before FRANKFORT, McQUADE and CRAWFORD, Administrative Patent Judges.

McQUADE, Administrative Patent Judge.

DECISION ON APPEAL

Arthur G. Zuehlke et al. appeal from the final rejection of claims 17 through 19. Claims 20 and 21, the only other claims pending in the application, stand withdrawn from consideration pursuant to 37 C.F.R. § 1.142(b). We affirm.

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[1] Application for patent filed November 14, 1996. According to appellants, this application is a division of Application 08/210,988, filed March 18, 1994, now U.S. Patent No. 5,579,931, granted December 3, 1996; which is a continuation-in-part of Application 07/566,751, filed August 13, 1990, now U.S. Patent No. 5,297,019, granted March 22, 1994; which is a continuation-in-part of Application 07/418,879, filed October 10, 1989, now U.S. Patent No. 5,189,605, granted February 23, 1993.

The subject matter on appeal relates to a method of operating a liftcrane. Claim 17 is representative and reads as follows:

17. A method of operating a liftcrane that has first and second hoisting mechanisms and a first rope and a second rope, comprising the steps of:
winding a first end of said first rope on the first hoisting mechanism;
winding a first end of said second rope on the second hoisting mechanism;
coupling a second end of said first rope to a second end of said second rope in a manner that transfers tension between said ropes;
lifting a load coupled to said first and second ropes by combined action of the first hoisting mechanism and the second hoisting mechanism;
sensing the relative amount by which said first ends of said ropes are being taken up; and
adjusting operation of at least one of said hoisting mechanisms based upon said sensing.

The reference relied upon by the examiner as evidence of anticipation is:

Rudak et al. (SU '188) (Soviet Patent Document)[2]	943188	Jul. 15, 1982

Claims 17 through 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by SU '188.

Reference is made to the appellants' main and reply briefs (Paper Nos. 12 and 14) and to the examiner's answer (Paper No. 13) for the respective positions of the appellants and the examiner with regard to the merits of this rejection. On page 5 in the main brief, under the GROUPING OF THE CLAIMS heading, the appellants state that claims 17 through 19 stand or

[2] An English language translation of this reference is appended to the appellants' main brief (Paper No. 12).

fall together. Accordingly, for purposes of this appeal dependent claims 18 and 19 shall stand or fall with independent claim 17. See 37 C.F.R. § 1.192(c)(7).

SU '188 discloses a method of operating a liftcrane so as to change the inclination of its jib or boom 20. To this end, the liftcrane includes, inter alia, winding drums 1 and 2, cables 6 and 7 having first ends wound on a respective drum and second ends coupled to each other by a loop 5/stop 22, a series of blocks or pulleys 8 through 13 mounted respectively on the jib and crane substructure and over which the cables are passed, a series of terminal switches 23 through 27 for sensing movement of the loop 5/stop 22, and a mechanism for controlling the operation of the winding drums in response to the sensed movement of the loop 5/stop 22 (see pages 3 and 4 in the translation). As is evident from Figure 1, the movement of the loop 5/stop 22 is indicative of the relative amount by which the first ends of the cables 6 and 7 are taken up by the drums 1 and 2.

Anticipation is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). It is not necessary that the reference teach what the subject application teaches, but only that the claim read on something disclosed in the reference, i.e., that all of the limitations in the claim be found in or fully met by the reference. Kalman v. Kimberly Clark Corp., 713 F.2d 760, 772, 218 USPQ

781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

The examiner has read the limitations in claim 17 on the SU '188 reference as follows:

> SU '188 shows a method of operating a liftcrane that has first and second hoisting mechanisms (1 and 2) with a first rope (6) and a second rope (7), comprising the steps of:
>
> winding a first end of the first rope (6) on the first hoisting mechanism (1);
>
> winding a first end of the second rope (7) on the second hoisting mechanism (2);
>
> coupling a second end of the first rope (6) to the second end of the second rope (7) in a manner that transfers tension between the ropes;
>
> lifting a load (the boom, as well as a load suspended by the boom) coupled to the first and second ropes by combined action of the first hoisting mechanism (1) and the second hoisting mechanism (2);
>
> sensing the relative amounts by which the first ends of the ropes are being taken up; and
>
> adjusting operation of the hoisting mechanism based upon the sensing [answer, pages 2 and 3].

The appellants contend that this analysis is unsound because SU '188 does not actually meet the limitation in claim 17 requiring the step of "lifting a load coupled to said first and second ropes by combined action of the first hoisting mechanism and the second hoisting mechanism." According to the appellants, the jib or boom 20 of SU '188, which is coupled to

the cables or ropes 6 and 7 and lifted by the combined action of the first and second hoisting mechanisms or drums 1 and 2, is not a "load" as that term would be understood by one of ordinary skill in the art.

During patent examination claims are to be given their broadest reasonable interpretation consistent with the underlying specification without reading limitations from the specification into the claims. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). Under this standard, the term "load" as used in claim 17 does indeed read on the jib or boom 20 disclosed by SU '188. The appellants' position to the contrary rests on an improper attempt to read limitations from the specification into the claim.

More particularly, the prior art jib 20 certainly constitutes a "load" under the ordinary and accustomed meaning of this term (see, for example, page 3 in the answer). Furthermore, and as conceded by the appellants (see pages 2 and 3 in the reply brief), the ordinary and accustomed meaning of the term "load" is accurately descriptive of, and therefore consistent with, the load discussed in the appellants' specification. There is nothing in claim 17 or the underlying specification which limits the term "load" to something that is extraneous to and/or lifted by the liftcrane as urged by the appellants. In the same vein, there is nothing in the claim or underlying specification which precludes the term from reading on the jib 20 disclosed by SU '188. All that the claim limitation at issue requires is the step of lifting "a load" coupled to first and second

ropes by combined action of first and second hoisting mechanisms. The jib 20 disclosed by SU '188 constitutes a load which is coupled to first and second ropes or cables 6 and 7 and lifted (and lowered) by the combined action of first and second hoisting mechanisms or drums 1 and 2.

Thus, the appellants' position that the subject matter recited in claim 17 distinguishes over SU '188 is not persuasive. Accordingly, we shall sustain the standing 35 U.S.C. § 102(b) rejection of claim 17, and of claims 18 and 19 which stand or fall therewith, as being anticipated by SU '188.

The decision of the examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

CHARLES E. FRANKFORT Administrative Patent Judge	)	
JOHN P. McQUADE Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
MURRIEL E. CRAWFORD Administrative Patent Judge	)	

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